

**Enrolled Minutes of the Seventieth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Meeting
Monday, September 10, 2018**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, September 10, 2018 at 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Town Council and Robin Carlascio, of the Idea Factory, discussed whether it would be desirable to add a social media presence for the Town in addition to the Town website. The discussion included the competing merits of adding a page on the Facebook platform and perhaps a twitter account.

The discussion included whether there was capacity to manage the regular updating of the two pages and whether it was prudent or desirable to have it offer responses to other online public discussions regarding policies of the Town.

The study session ended at 7:00 O'clock p.m.

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, September 10, 2018 at 7:03 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Mark A. Herak presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Councilor Bernie Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Kathy DeGuilio-Fox, Redevelopment Director; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Kenneth J. Mika, Building Commissioner, were present.

Also present: George Georgeff and Larry Kondrat, Board of Waterworks Directors; and Ed Dabrowski, IT Director (Contract) were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 27 August 2018 were approved by general consent.

Special Orders:

- 1. **Consideration of Proposed Additional Appropriations:** (non-controlled fund) Proposed Additional Appropriations in Excess of the 2018 Budget for the Innkeeper Tax Fund in the amount of \$3,000.
 - (a) Attorney verification of Proofs of Publication: The TIMES 30 August 2018. The Town Attorney indicated that the proof is in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the public hearing to order. The following comment was received:
 - 1. Larry Kondrat, 8115 4th Place East, Highland, spoke in support of the additional appropriation. There were no further comments. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2018-36:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Innkeeper Tax Fund** in the amount of **\$3,000**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Vassar introduced and moved the consideration of Enactment No. 2018-36 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption of Enactment No. 2018-36 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2018-36**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the INNKEEPER TAX FUND ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Innkeeper Tax Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Innkeeper Tax Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

INNKEEPER TAX FUND	
Acct. No. 024-0000-31005 Symphony Program	\$ 3,000.00
<i>Total Series:</i>	\$ 3,000.00
Fund Total:	\$ 3,000.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 10th Day of September 2018. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 10th Day of September 2018, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. **Consideration of Proposed Additional Appropriations:** (controlled fund)
Proposed Additional Appropriations in Excess of the 2018 Budget for the **Redevelopment General Fund** in the amount of **\$8,824.00**.
- (a) Attorney verification of Proofs of Publication: The TIMES 30 August 2018. The Town Attorney indicated that the proof of publication is in compliance with I.C. 5-3-1.
 - (b) **Public Hearing.** There were no comments, written or spoken. The Town Council President closed the hearing.
 - (c) Action on **Appropriation Enactment No. 2018-37:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Redevelopment General Fund** in the amount of **\$8,824.00**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Zemen introduced and moved the consideration of Enactment No. 2018-37 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption of Enactment No. 2018-37 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2018-37

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Redevelopment General Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Redevelopment General Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Redevelopment General Fund** and for the purposes herein specified, subject to the laws governing the same:

REDEVELOPMENT GENERAL FUND

Increase
Acct. 094-0000-20004 Main Street Supplies \$ 3,000.00
Total for Series: \$ 3,000.00

Increase
Acct. 094-0000-39003 Main Street Prof. Services \$ 5,824.00
Total for Series: \$ 5,824.00

Total for Fund: \$ 8,824.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 10th Day of September 2018. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 10th Day of September 2018, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Staff Reports: The following staff reports were received and filed.

• **Building & Inspection Report for August 2018**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	6	0	6	\$97,600.00	\$2,466.50
Signs:	5	0	5	\$7,230.00	\$1,149.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	80	80	0	\$583,630.00	\$11,641.00
Garages:	1	1	0	\$23,800.00	\$519.50
Sheds:	1	1	0	\$1,000.00	\$150.00
Decks & Porches:	5	5	0	\$21,346.00	\$906.50
Fences:	12	12	0	\$34,276.00	\$1,334.00
Swimming Pools:	4	4	0	\$0.00	\$328.00
DrainTile/ Waterproofing:	3	3	0	\$22,105.00	\$496.00
Miscellaneous	1	1	0	\$0.00	\$82.00
TOTAL:	118	107	11	\$790,987.00	\$19,073.00
Electrical Permits	17	14	3	\$0.00	\$1,704.00
Mechanical Permits	17	14	3		\$1,548.00
Plumbing Permits	6	2	4		\$1,174.00
Water Meters	3	3	0		\$690.00

Water Taps	0	0	0	\$0.00
Sewer/Storm Taps	0	0	0	\$0.00
TOTAL Plumbing:	9	5	4	\$1,864.00

August Code Enforcement:

Investigations: 95
Citations: 07
Warnings: 95

August Inspections & Exams:

Building: 36 Electrical: 29 Plumbing: 13 HVAC: 09
Electrical Exams: 0

• **Fire Department Report for August**

<u>Type of Call</u>	<u>Month</u>	<u>2nd half of year</u>
General Alarms	11	24
Paid Still Alarms	31	68*
Still Alarms	06	16
Total Alarms:	48	108

* For paid still alarms, responses or participation by the fire fighters, a stipend in lieu of direct compensation, shall be paid to the Highland Volunteer Fire Fighter Association in the amount of \$50 each. (Pursuant to Wage and Salary Ordinance, Section 12(G).)

• **Workplace Safety Report for August**

There were no workplace incidents to report in August. The following report was filed.

Department	Injuries this Month	Year to Date 2018	Total in 2017	Restricted Days 2018	Lost Workdays This Year (2018)	Restricted Days Last Year (2017)	Lost Workdays Last Year (2017)
Parks	0	3	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	3	6	0	0	0	365
Street	0	1	0	0	0	0	0
Water & Sewer	0	2	2	70	36	0	0
Maint.	0	1	2	0	0	0	0
Other	0	0	0	0	0	0	0
TOTALS	0	10	10	70	36	0	365

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointment:

• **Statutory Boards and Commissions**

Executive Appointments (May be made in meeting or at another time by Town Council President)

1. **Tree Advisory Board.** (1) Appointments to be nominated by the Town Council but appointed by the Town Council President. *The Town Council President also names the Chair from the membership. Remaining appointment is (1) with a term expiring on the 1st Monday in January 2021. Thereafter terms are for three years.*

Councilor Zemen moved to nominate **Paul Graegin**, 2728 Cough Avenue, Highland, to the Tree Advisory Board. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Paul Graegin was nominated.

Having received the nomination from the Town Council, the Town Council President appointed **Paul Graegin** to the Highland Tree Advisory Board to a term expiring on the 1st Monday in January 2021.

Unfinished Business and General Orders:

1. **Works Board Order No. 2018-30.28:** An Order Approving and Authorizing Transfer of Fund Balance of Dormant Funds Raised by a General or Special Tax Levy, all Pursuant to IC 36-1-8-5.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2018-30.28. Councilor Wagner seconded. Upon a roll call vote, there five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2018-30.28**

AN ORDER APPROVING AND AUTHORIZING TRANSFER OF FUND BALANCE OF DORMANT FUNDS RAISED BY A GENERAL OR SPECIAL TAX LEVY, ALL PURSUANT TO IC 36-1-8-5.

WHEREAS, Indiana Code 36-1-8-5 provides that whenever funds of the unit are raised by a general or special tax levy and the purposes of the tax levy have been fulfilled, and an unused, unencumbered balance remains in the fund, the fiscal body of the political subdivision **shall order** the balance of the fund to be transferred to the general fund of the municipality, unless a statute provides that it be transferred otherwise;

Whereas, The Corporation of the Town has a corporate taxing authority acting as a municipal corporation which is also a political subdivision pursuant to IC 36-1-2-13, executed as the Corporation Exempt Bond and Interest Fund of the Town of Highland;

Whereas, The Parks and Recreation Department has a special taxing district acting as a political subdivision, styled as the Park District of the Town of Highland, which executes this authority as the Park District Exempt Bond and Interest Fund;

WHEREAS, The purpose for which a special levy was raised in the *Park District Exempt Bond and Interest Fund* and the *Corporation Bond and Interest Exempt Fund* have been fulfilled, and there remains a balance of \$2,368.24, of which \$2,025.44 is obligated, due to the Park Bond and Interest (NON EXEMPT) Fund and an unused, unencumbered balance in **Park District Exempt Bond and Interest Fund in the amount of \$342.80 and in the Corporation Exempt Bond and Interest Fund in the amount of \$.52;**

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana acting as the Works Board and the fiscal body of the Town as follows:

Section 1. That the Town Council of the Town of Highland, as the fiscal body of the municipality now finds and determines the following:

(A) That the purposes for which the special tax levy in the Parks District Exempt Bond and Interest Fund, a fund of the political subdivision, have been fulfilled; and

(B) That there exists a fund balance of **\$2,368.24** of which, \$2,025.44 is obligated, due to the Park Bond and Interest (NON EXEMPT) Fund, leaving an unencumbered, unused, unreserved unassigned balance in the fund in the amount of **\$342.80;**

(C) That the purposes for which the debt service tax levy in the Corporation Exempt Bond and Interest Fund, a fund of the municipal corporation which is also the political subdivision, have been fulfilled; and

(B) That there exists an unencumbered, unused, unreserved unassigned balance in the fund in the amount of \$.52;

Section 2. That owing to the foregoing findings and determination, the unused, unencumbered balance on deposit to the credit of the Park District Exempt Bond and Interest, a fund of the political subdivision, in the amount of Three hundred forty-two dollars and eighty cents (\$342.80) be transferred to the **Park General Fund as the general fund of the particular political subdivision, pursuant to IC 36-1-8-5(b)(4);**

Section 3. That owing to the foregoing findings and determination, the unused, unencumbered balance on deposit to the credit of the Corporation Exempt Bond and Interest, a fund of the municipal corporation (political subdivision), in the amount of fifty-two cents (\$.52) be transferred to the **Corporation General Fund, pursuant to IC 36-1-8-5(b)(2);**

Section 4. That Works Board Order No. 2018-28, adopted on August 27, 2018, be hereby repealed and rendered a nullity upon the passage and adoption of this correcting order;

Section 5. That the Park District Exempt Bond and Interest Fund and the Corporation Exempt Bond and Interest both be defeased and abolished immediately following the transfer of the dormant fund balances but not before an audit is performed by the Indiana State Board of Accounts for the year ended December 31, 2017;

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 10th day of September 2018 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. Works Board Order No. 2018-31: An Order Authorizing, Approving, Accepting and Concurring in a Perpetual Easement Agreement with Janice M. Vanderschoot as Grantor and the Town of Highland as Grantee.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2018-31. Councilor Wagner seconded. Upon a roll call vote, there five affirmatives and no negatives. The motion passed. The order was adopted.

The Town of Highland
ORDER of the WORKS BOARD NO. 2018-31

An Order Authorizing, Approving, Accepting and Concurring in a Perpetual Easement Agreement with Janice M. Vanderschoot as Grantor and the Town of Highland as Grantee

Whereas, The Department of Public Sanitation and Sanitary District of Highland (District), through its Board of Sanitary Commissioners, has previously determined the need to make certain improvements related to storm water and related watershed management;

Whereas, The foregoing improvements and related storm water and watershed management requires the acquisition of public easements upon property owned by **Janice M. Vanderschoot**, as Grantor, for the purpose of constructing, installing and utilizing certain improvements and related appurtenances and structures; and

Whereas, The Grantor wishes to grant to the Grantee, the Town of Highland, governed by and through its Town Council as the Works Board of the Town, a **perpetual easement** for the purposes herein referenced, which is legally described in a companion easement agreement;

Whereas, The Department of Public Sanitation and Sanitary District of Highland (District), through its Board of Sanitary Commissioners, has determined that the permanent utility easement and the associated agreement for this project and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

Whereas, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantee), has determined that the permanent utility easement and the associated agreement for this project and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

Whereas, Janice M. Vanderschoot as Grantor owns and has title to certain real estate located in Lake County, Indiana, which is legally described as follows:

LOT 9, EXCEPT THE NORTHERLY 2.45 FEET THEREOF, ALL OF LOT 10 AND THE NORTHERLY 15 FEET OF LOT 11 IN BLOCK 4 IN HIGHLAND TERRACE, IN THE TOWN OF HIGHLAND, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 30, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Whereas, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantee), now wishes to finally authorize, adopt, accept and approve the perpetual utility easement agreement between the Town of Highland as Grantee and Janice M. Vanderschoot as Grantor;

Now, Therefore, Be It hereby Ordered by the Highland Town Council, acting as the Works Board of the Municipality as follows:

Section 1. That the Permanent Drainage Easement Agreement between Janice M. Vanderschoot (Grantor) and the Town of Highland (Grantee), which is incorporated by its reference, is hereby authorized, approved, accepted and ratified in each and every respect;

Section 2. That Town of Highland, as Grantee, accepts from Janice M. Vanderschoot as Grantor the following:

(A) Town of Highland accepts its grant of a perpetual easement for the installation, construction public storm sewer, sewer and sewer lines, together with any and all manholes, service taps, auxiliary valves, connections, appliances, and all other appurtenances and structures (the "Line"), according to the terms of the accompanying agreement, which is approved, accepted and ratified in each and every respect;

(B) Town of Highland accepts as Grantee, an easement conveyed, granted, and assigned by agreement from Janice M. Vanderschoot as Grantor, an easement in, under, over and across the following legally described real estate, to-wit:

A 20 FOOT WIDE PERMANENT EASEMENT FOR THE CONSTRUCTION, INSTALLATION, OPERATION AND MAINTENANCE OF A SEWER IN FAVOR OF THE TOWN OF HIGHLAND, INDIANA, LOCATED ON A PARCEL OWNED BY JANICE M VANDERSCHOOT AS RECORDED IN DOCUMENT 2000007787, IN THE LAKE COUNTY RECORDER'S OFFICE, AND BEING DESCRIBED AS FOLLOWS:

THE NORTH 20 FEET OF PARCEL 45-07-21-176-010.000-026, MEASURED PARALLEL WITH THE NORTH LINE OF SAID PARCEL RECORDED IN DOCUMENT 2000 007787, SAID LINE ALSO BEING THE SOUTH PROPERTY LINE OF THE PARCEL RECORDED IN DOCUMENT 2017 069334 IN SAID LAKE COUNTY RECORDER'S OFFICE.

SAID PERMANENT EASEMENT ENCOMPASSES A TOTAL AREA OF 0.057 ACRES, MORE OR LESS.

Section 3. That the agreement adopted by this order is incorporated herein as an exhibit to this order;

Section 4. That the Town Council President and the Clerk-Treasurer are hereby authorized and directed to evidence this acceptance, approval and adoption of the easements and agreement by affixing their signatures to the agreement.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 10th day of September 2018 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 3. Works Board Order No. 2018-32:** An Order Authorizing and Approving the First Change Order to the Contract with Indiana Department of Transportation related to the 45th Avenue and 5th Street Intersection Improvement Project, all Pursuant to I.C. 36-1-12-18.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2018-32. Councilor Kuiper seconded. Upon a roll call vote, there five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Order of the Works Board No. 2018-32**

An Order Authorizing and Approving the First Change Order to the Contract with Indiana Department of Transportation related to the 45th Avenue and 5th Street Intersection Improvement Project, all Pursuant to I.C. 36-1-12-18

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved, through the passage and adoption of *Works Board Order No. 2015-41* on December 28, 2015, a public works project for intersection improvement, with added turn lanes, for 45th Avenue and 5th Street in the Town of Highland as a Federal Highway Aid (FHWA) Project, with the project commonly known as the **45th Avenue and 5th Street Intersection Improvement Project**; and

Whereas, The Town Council has heretofore approved a contract agreement, a **Local Public Agency (LPA) Project Coordination Contract**, presented by the Indiana Department of Transportation (INDOT) which provides for intersection improvement, with added turn lanes, for 45th Avenue and 5th Street in the Town of Highland, carried out as a Federal Highway Aid (FHWA) Project, styled as **EDS # A-249-09-320021, Des. No. 0088400** and further styled as a **STP Group I Project** Type in the original amount of **Six hundred, twenty-eight thousand, thirty-one Dollars and 20/100 Cents (\$628,031.20)**; and

Whereas, During the course of construction of the Project, it has become necessary or desirable to change or alter the original specifications of the project; and

Whereas, First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction **LPA (LPA) Project Coordination Contract** particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost by the amount of **Twenty Dollars and no cents (\$20.00)**; and

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That Change Order No. 1, R-35932, **45th and 5th Street Intersection Improvement Project**, as prepared by First Group Engineering, Inc., a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

Section 2. That this first addendum is hereby ordered to be known as *Change Order No. 1*, issued to decrease the net cost to the original **LPA (LPA) Project Coordination Contract** in the amount of **twenty dollars (\$20.00)**, bringing the total value of the entire agreement with any and all change orders approved to date to **Six hundred, twenty-eight thousand, eleven Dollars and 20/100 Cents (\$628,011.20)**;

Section 3. That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract being in the amount of **Six hundred, twenty-eight thousand, thirty-one Dollars and 20/100 Cents (\$628,031.20)**, which may not exceed **Seven Hundred Fifty-three Thousand, six hundred thirty-seven dollars and 44/100 Cents (\$753,637.44)**, all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered.

Duly, Passed, Adopted and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 10th day of September 2018 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

4. **Action to approve pay for employee who is temporarily replacing another employee at a higher grade level, after thirty full days in the position, pursuant to Section § 4.01 of the Compensation and Benefits Ordinance.** • *The Clerk-Treasurer requests the following pay for a worker at a higher grade level:*

The Public Works Director at the request of the Clerk-Treasurer, assigned Chad Kinley, a worker from the Public Works Department to begin training as Acting Encumbering Officer in anticipation of a protracted leave by the incumbent. Pursuant to Section 7(E), Mr. Kinley has been in training, since his assignment on August 14. Chad Kinley has continually trained and occupied the position of Acting Encumbering Officer, performing the duties associated with that position since his initial assignment and is expected to continue for months, going beyond his allowable training pay period. Pursuant to the provisions of Section 4.01 of the Compensation and Benefits Ordinance, he will be eligible for the pay of encumbering officer, effective September 13, provided it is approved.

Councilor Kuiper moved to approve the payment at the higher pay level of the named employee who has for more than 30 days replaced temporarily a worker at a higher pay grade. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The higher pay for the worker was authorized.

5. **Action to approve pay for employee at higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1641 the Wage and Salary Ordinance, as amended.**
5.1 *The Building Commissioner requests favorable action for Paul Kyriakides, the Building Commissioner's appointee for **Code Enforcement Officer**, for which the pay range is \$10.45 to \$25.65, to be approved at the starting hourly rate of **\$16.40**. (HMC Section 5.20.060(A) provides that the Building Commissioner is the appointing authority.)*

Councilor Zemen moved to approve the payment at the higher pay level from the starting level at \$16.40. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The higher pay for the worker was authorized.

6. **Action of the Town Council President as appointing authority to consider approval of an Annual Conflict of Interest Disclosure Statement filed by Christine Cash.** who, is a Hotel Manager in Lake County. Ms. Cash is also Highland's appointment to the Lake County Convention and Visitors' Bureau Board of Directors. This filing is pursuant to IC 35-44-1-3.
 - (a) *Action of the Town Council President as Municipal Executive.* The Town Council President announced his approval of the disclosed conflict and executed his signature evidencing his approval.
 - (b) *Town Council as the governing body of the governing entity to act to accept the disclosure form, if desired.* Councilor Vassar moved to accept the Uniform Conflict of Interest Disclosure to be filed by Christine Cash. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The form was accepted.

Comments or Remarks from the Town Council:
(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison • Liaison to the Board of Waterworks Directors; Liaison to the Community Events Commission.*

Councilor Zemen acknowledged the Parks and Recreation Superintendent, and engaged him regarding issue of Geese at Meadows Park.

- **Councilor Dan Vassar:** *Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who offered a brief survey of programs in the Parks and Recreation Department, reported on the recent resignation of a recreation supervisor to take a position for better pay in Crown Point, and announced the dedication of the newly constructed Skate park at Sheppard Park on September 29, 2019 at 1:00 p.m.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner commended the workforce for no workplace injuries in August.

Councilor Wagner acknowledged the Building Commissioner who reported briefly on matters pending before the Advisory Board of Zoning Appeals.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison* • *Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reminded all of the annual Fire Department Open House on Saturday, October 2.

- **Councilor President Mark Herak:** *Town Executive* • *Chair of the Board of Police Pension Trustees* • *Budget and Finance Chair* • *Liaison to the Board of Sanitary Commissioners* • *Town Board of Metropolitan Police Commissioners, Liaison.*

The Town Council President acknowledged the Police Chief, who expressed his appreciation for the support for a bill that will be considered in the Legislature styled as the public safety survivors' bill.

Comments from Visitors or Residents:

1. Linda Johnston, Highland Public Library, commended the Highland Police Department generally and Detective Sergeant Siple for his recent presentations to the library staff regarding personal safety.
2. Terry Steagall, 8577 Kleinman Road, Highland, expressed concerns over the Little Calumet River Basin Development Commission, and the sufficiency of the application of resources to certain assets in its charge.

Mr. Steagall also commended the Town of Highland and its Police Department for its support of improved benefits from the 1977 Public Safety Pension Plan.

Payment of Accounts Payable Vouchers. There being no comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period August 28, 2018 through September 10, 2018 and the **payroll dockets for August 17 and 31, 2018.** Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll docket listed was ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$300,204.41; Motor Vehicle Highway and Street (MVH) Fund, \$105,123.74; Local Road and Street (LR&S) Fund, \$6,812.99; Law Enforcement Continuing Education and Equipment Fund, \$1,249.78; Capital Projects Retainage

Agency Fund, \$31,336.03; Flexible Spending Agency (FSA) Fund, \$1,423.83; Insurance Premium Fund, \$164,268.59; Gasoline Agency Fund, \$21,536.52; Information Communications Technology Fund, \$6,106.91; Solid Waste District Grant Fund, \$594.17; Special Events Non Reverting Fund, \$1,367.50; Police Pension Fund, \$67,903.28; Municipal Cumulative Capital Development Fund, \$2,350.00; Traffic Violations and Law Enforcement Agency Fund, \$2,250.00; Special Community Crossings Grant Fund, \$181,260.10; and, Public Safety Local Income Tax Fund, \$9,940.00; Total: \$ 903,727.85.

Payroll Docket for payday of August 17, 2018:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$13,120.36; Building and Inspection Department, \$8,978.72; Metropolitan Police Department, \$126,799.61; Fire Department, \$3,328.75; Public Works Department (Agency), \$66,407.55; and Police Pensions, \$0.00. Total Payroll: \$218,634.99.

Payroll Docket for payday of August 31, 2018:

Council, Boards and Commissions, \$8,423.60; Office of Clerk-Treasurer, \$14,861.87; Building and Inspection Department, \$8,568.65; Metropolitan Police Department, \$116,171.76; Fire Department, \$3,519.95; Public Works Department (Agency), \$62,090.93; and Police Pensions, \$67,795.63. Total Payroll: \$281,432.39.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, September 10, 2018 was adjourned at 7:52 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer